

Application Serial No. 10/009,887
Reply to Office Action of August 10, 2005

PATENT
Docket: CU-2771

REMARKS

In the Office Action, the Examiner states that Claims 1-6 are pending and Claims 1-6 are rejected. By the present Amendment, Applicants amend the claims.

The Applicants would first like to thank Examiner Hung for granting an interview with the undersigned attorney on February 2, 2006. During the interview the Examiner indicated that the arguments which were presented may be persuasive in view of the cited prior art if articulated in a response. Those arguments are presented herewith.

In the Office Action, Claim 6 is rejected under 35 U.S.C. §112, second paragraph. The Applicants have amended that claim to remedy the insufficient antecedent basis in line 17 of that claim.

In the Office Action, Claims 1-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Galazin (US 6,000,407) in view of Ruriko et al. (EP 0828230) and Macchio et al. (US 6,045,783). Claims 5 and 6 are rejected in further view of Kuroda et al. (US 6,132,743). The Applicants respectfully disagree with and traverse these rejections.

The purpose of the present invention is to classify make-up colors and present the colors on a map having at least one index for a warm/cool, character, mind look or a light, dignified, mature/immature, mature look. From the map, a user may select a make-up color combination based upon the user's intended mood or feel.

Galazin discloses determining the skin type of a subject, and assigning a seasonal designation to that skin type, by applying three, red-based, make-up colors on a subject's skin, and comparatively assessing how well each color blends with the skin. The three colors are said to range from cool to warm. It is arguable whether or not this comprises a warm/cool color image index as claimed in the present application.

Ruriko, which is the Applicants' own patent, discloses classifying face shapes, not applied make-up color, as mature/immature.

Macchio discloses using an image analyzer to determine the thickness of an application of lipstick based on color contrast. The image analyzer does not in any way analyze the color of the lipstick with regard to the claimed color image indices.

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The Applicants do not regard Macchio to be in any way relevant to the present invention.

Kuroda discloses using a panel of subjects to rate the feel of a cosmetic application (sunscreen), and summing the rating results to overall evaluate the feel of the cosmetic application. The evaluation did not in any way relate to the look of the color of the cosmetic application on the subjects with regard to the claimed color image indices.

With regard to independent Claims 1, 4 and 6, there is claimed a color image classification method which includes the combination of a warm/cool, character, mind color image index and a light/dignified, mature/immature, mature color image index. Even if it were deemed that Galazin discloses a warm/cool color image index, Ruriko does not disclose a mature/immature color image index. Instead, Ruriko disclosed a mature/immature face shape index. Therefore, the combination of those two references would at best disclose a warm/cool color image index and a face shape index, which is not the same as the claimed color image indices. The claimed combination of color image indices allows a user to select a make-up color based upon the intended mood of the user. This is not possible if one were to combine a single color image index with a face shape index. Therefore, the Applicants consider independent Claims 1, 4 and 6, and dependent Claim 2, not to be obvious in view of the cited references for at least this reason.

With regard to independent Claims 3 and 5, there is claimed the make-up color evaluation step and the make-up color image classification step, which the Applicants consider are not disclosed by the cited prior art references.

The make-up color evaluation step specifies in the claims that a plurality of test subjects evaluate a color image of the make-up material based on the make-up face data using the Image index as an evaluation criteria. In other words, a plurality of subjects evaluate color applied to a made-up face to determine where that color falls on either a warm/cool, character, mind color image index or a light/dignified, mature/immature, mature color image index.

Galazin teaches the opposite procedure where color make-up is applied that has already been classified as warm, neutral, or cool, in order to determine the skin type of the subject on which the make-up is applied. The evaluation is made by a single person instead of a plurality of people. So, instead of a collective evaluation

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of a make-up color by a number of subjects as claimed in the present application, Galazin discloses the evaluation of a subject's skin type based upon a single evaluation.

As stated before, Ruriko teaches the evaluation of face shape, and is not considered applicable to the evaluation of make-up color.

Likewise, Kuroda does not teach the evaluation of make-up color. Furthermore, in the evaluation step of Kuroda, each subject evaluated the feel of the cosmetic application on themselves, and was not a collective evaluation of a single color image as claimed in the present application.

The make-up color image classification step specifies in the claims classifying the make-up material based on the obtained make-up material color image using the image index.

As previously stated with regard to Galazin, that reference teaches classifying skin type using a make-up color index, which is opposite of the claimed step of classifying make-up color on a color image index based upon the make-up color image evaluations.

Also, with regard to Ruriko and Kuroda, there is no teaching of classifying make-up colors.

For at least these reasons, the Applicants consider Claims 3 and 5 not to be obvious in view of the cited prior art references.

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicants respectfully submit that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

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